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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

JACKSON, JENISE E

ART UNIT PAPER NUMBER

2131

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,456

Applicant(s)

ABBOTT ET AL.

Examiner

Jenise E Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10-19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson(EP 0936530) in view of Gabrielle.

3. As per claim 1, Benson discloses a compact personal token(i.e. dongle, 1101)(see col. 24, lines 8-10), a host processing device(vcs, virtual smartcard server)(see col. 23, lines 20-21, see fig. 1, pg. 15) an operating system; a smartcard processor having a smartcard processor-compliant interface for communicating according to a smartcard input and output protocol, and interface processor(see col. 6, lines 38-45, 56-58, col. 7, lines 1-5), a smartcard processor-compliant interface, the interface processor implementing a translation module for interpreting messages into smartcard processor-compliant messages(see col. 4, lines 4-23, col. 24, lines 8-16).

4. Benson does not disclose an USB-compliant interface; however, Gabrielle teaches an USB-compliant interface, such as a USB port. It would have been Obvious to one of ordinary skill in the art to include the USB-compliant interface of Gabrielle in the Benson system, the motivation to have a USB-compliant interface is that USB can transfer data quicker than a serial or parallel port, and is "hot swappable" plug-and-play, allowing consumers to alter the configuration of their computers without using ports specific to any one peripheral; up to 127

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devices can be daisy-chained using USB ports, including parallel device that can be link to a USB port via a dongle device.

5. As per claim 2, Benson discloses the interface processor emulates a smartcard reader to the smartcard processor(see col. 3, lines 22-26, col. 4, lines 14-23, col. 6, lines 38-41).

6. As per claim 3, Benson discloses the host processing device includes a virtual smartcard reader in communication with the operating system(see col. 4, lines 14-23), the virtual smartcard reader for emulating a smartcard reader communicatively coupled to the host processing device(see col. 6, lines 39-44) and including a communication module for packaging messages for transmission to the personal token via the compliant interface according to a first protocol, the Examiner asserts that Benson inherently discloses this, because Benson discloses a virtual smart card reader that is a virtual hardware acting as a emulator that passes information to and from a virtual smart card(see col. 9, lines 38-41) and for unpackaging messages received from the personal token via the compliant interface according to the first protocol, and the interface processor translation module unpackages messages from the host processing device according to the first protocol(see col. 24, lines 8-16).

7. As per claims 4, 10, Benson discloses wherein the virtual smartcard reader further includes a bootup module for responding to an operating system bootup procedure with an indication that a smartcard reader is communicatively coupled to the host processor(see col. 6, lines 38-44).

8. As per claims 5, 11, Benson inherently discloses wherein the virtual smartcard reader includes an answer-to-reset module for providing an ATR message to the operating system in

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response to a reset message, because Benson discloses a smart card(see col. 7, lines 49-51, col. 24, lines 42-47). The Examiner asserts that smartcards have answer-to-reset module.

9. As per claim 16, Benson discloses accepting a startup query from the host computer operating system in the virtual smart card reader; and providing an indication that a smart card reader is communicatively coupled to the host computer to the host computer operating system(see col. 6, lines 38-44, col. 24, lines 42-47).

10. As per claims 6, 12, 17, wherein the virtual smart card reader includes a reporting module for receiving and reporting the insertion of the personal token(see col. 24, lines 8-14), communicatively coupled to the host processor and the removal of the personal token as a removal of a smart card from a smart card reader(see col. 13, lines 41-53, col. 23, lines 35-37, col. 24, lines 18-22):

11. As per claims 7, 13, 18, Benson inherently discloses wherein the virtual smart card reader includes a protocol selection module for receiving a protocol type selection command from the operating system and providing a PTS response message to the operating system, because Benson discloses that the virtual smart card can be inserted into different machines(see col. 3, lines 30-37). Therefore, the Examiner asserts that since Benson discloses that the virtual smart card can be inserted into different machines, that there is a protocol selection module.

12. As per claim 8, Benson discloses a processor, a memory, communicatively coupled to the processor, the memory storing processor operating commands implementing an operating system, and a virtual smart card reader module stored in the memory and in communication with the operating system, for emulating at least one smart card reader to the operating system(see col. 6, lines 39-41, col. 7, lines 33-45). First, a communication module is inherent in Benson,

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because information is passed to virtual smart card reader from the virtual smart card(see col. 6, lines 38-45). The Applicant is also urged to look further down column six. Benson discloses the virtual smart card stores protected information, such as digital signature. When the virtual smart card is inserted, the virtual smart card server downloads the protected information, thus there is a communication module in Benson(see col. 6, lines 48-58, col. 7, lines 1-5, col. 9, lines 38-41).

13. As per claim 14, rejected under limitations already addressed(see claim 1 and 3).

14. As per claim 15, rejected under limitations already addressed(see claim 1 and 3).

15. As per claim 19, Benson discloses a virtual smart card reader emulator system, a first smart card reader emulator, implemented in a host computer for emulating smart card reader operations to the host computer(see col. 3, lines 29-35); and a second smart card reader emulator, implemented in a personal key, for emulating smart card reader operations to a interface-interface compliant personal key processor(see col. 4, lines 14-23, col. 24, lines 8-16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426.

The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Shiekh can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



October 13, 2004



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